

ADOT File No.: IGA/ JPA 05-134-I
AG Contract No.: KR06-0308TRN
Amendment No. Two
Project: Master Electrical Maintenance
Section: Various Locations
TRACS No.: MAINTAGR
Budget Source Item No.: N/A

**AMENDMENT NO. TWO
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
YAVAPAI COUNTY

THIS AGREEMENT, entered into this date November 4th, 2009, Amendment No. Two (2) amending JPA No. 05-134-I, A.G. Contract No.: KR06-0308TRN, and first executed June 6, 2006, filed with the Secretary of State under No. 28258, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the YAVAPAI COUNTY, acting by and through its CHAIRMAN and BOARD OF SUPERVISORS (the "County"). The State and the County are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes § 11-251 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

The purpose of this amendment is to add a traffic signal location to Exhibit A and modify milepost data of another location.

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

No. 28258
Filed with the Secretary of State
Date Filed: 11/4/09
Kim Blum
Secretary of State
By: K Benz

ALL NOTICES OR DEMANDS upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax


Yavapai County
Attn: Public Works Director
1100 Commerce Drive
Prescott, Arizona 86305
(928) 771-3183
(928) 771-3167

PURSUANT TO ARIZONA REVISED STATUTES § 11-952 (D), attached hereto and incorporated herein, is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement and Amendment One remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amended Agreement the day and year first above written.

YAVAPAI COUNTY

By 
THOMAS THURMAN
Chairperson

STATE OF ARIZONA

Department of Transportation

By 
for DALLAS HAMMITT, P.E.
Deputy State Engineer, Operations

ATTEST:

By 
JULIE AYERS
Clerk of the Board

Initial Draft Amendment Two 8/28/09 ghc
AG approved 9/17/09

EXHIBIT A

LOCATIONS OF SIGNALIZED INTERSECTIONS OF STATE ROUTES WITH YAVAPAI COUNTY ROADS

1. US93 and Vulture Mine Road (MP 196.2)
2. SR 69 and Ramada Drive (**MP 291.1**)
3. **SR 69 and Diamond Drive (MP290.8)**

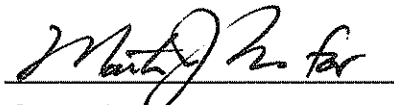
JPA 05-134-I Amendment Two

ATTORNEY APPROVAL FORM FOR THE YAVAPAI COUNTY

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the YAVAPAI COUNTY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 25th day of September, 2009.


County Attorney

**CERTIFIED COPY OF ENTRY IN OFFICIAL MINUTES
OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS**

YAVAPAI COUNTY)
) ss.
ARIZONA)

Julie Ayers, having been first duly sworn, deposes and says:

I am the duly appointed, qualified and acting Clerk of the Yavapai County Board of Supervisors and in such capacity under the provisions of ARS §11-241 am charged with the responsibilities, among others, of recording all proceedings of the Board and maintaining custody of such records of the Board as are required by law to be maintained. Among the records of which I have custody is the official minute book of the Board of Supervisors which under the provisions of ARS §11-217 is required to be made and kept.

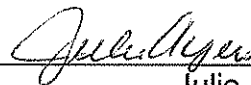
Set forth below is a copy of an entry in the aforesaid minute book of which, as aforesaid, I am the officer having the legal custody. This is my certificate under the provisions of Rule 44(A), Rules of Civil Procedure, and the Uniform Business Records Act, that the said copy is a true and correct copy thereof, to which I attest by my signature subscribed hereunto:

Date of meeting of which the minutes are a record: October 5, 2009.

The entry in the said minutes:

Upon a motion by Supervisor Davis, seconded by Supervisor Springer, the Board voted unanimously to approve all items appearing on the Consent Agenda with the exception of C.8, 10, 11, 12, 13 and 24.

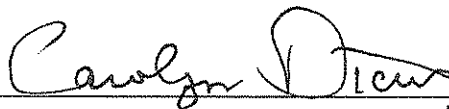
14. **Public Works** - Request approval to add the proposed traffic signal at the intersection of SR69 and Diamond Drive (MP 290.8) to the Master Electrical Maintenance Agreement (Amendment 2) - Intergovernmental Agreement with ADOT. Also requested at this time is acknowledgement of a revision to the Mile Post for the signal located at SR 69 and Ramada Drive from the previous agreement to Mile Post (291.1). Diamond Valley - District 1.



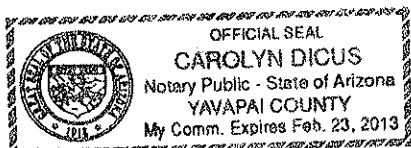
Julie Ayers, Clerk

SUBSCRIBED AND SWORN to before me October 19, 2009.

My Commission Expires:



Notary Public





TERRY GODDARD
Attorney General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

CIVIL DIVISION
TRANSPORTATION SECTION
Writer's Direct Line:
602.542.8855
Facsimile: 602.542.3646
E-mail: Susan.Davis@azag.gov


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR06-0308 (IGA/JPA 05-134-I, Amendment No. 2), an Agreement between public agencies, i.e., The State of Arizona and Yavapai County, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: November 2, 2009

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ln:604168
Attachment